

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>ROBERT WHARTON,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Petitioner,</b>	:	<b>No. 01-6049</b>
	:	
<b>v.</b>	:	
	:	
<b>DONALD T. VAUGHN, et al.</b>	:	
	:	
<b>Respondents.</b>	:	
	:	

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**ORDER**

**AND NOW**, this 12<sup>th</sup> day of February, 2020, upon consideration of the parties' supplemental briefing and the *amicus curiae* brief of the Pennsylvania Office of the Attorney General, it is hereby **ORDERED** that:

- An evidentiary hearing on Petitioner's remaining § 2254 habeas claim is scheduled for **April 1, 2020 at 10:00 a.m. in Courtroom 4-B.**
- As detailed in the accompanying Memorandum Opinion, the Pennsylvania Office of the Attorney General may participate at this hearing as *amicus curiae* and may call and cross-examine witnesses.
- Prior to the hearing, counsel for the parties and the Attorney General shall serve upon all other counsel:
  - a copy of each exhibit the party or the Attorney General expects to offer at the hearing, together with an index of all exhibits;
  - a list of all witnesses that the party or the Attorney General expects to testify; and
  - proposed stipulations.

- Declarations of witnesses will only be admitted by agreement of the parties.
- The parties and the Attorney General may present evidence regarding the Philadelphia District Attorney's Office's communication with the victims' family in connection with its concession of penalty phase relief.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

**MITCHELL S. GOLDBERG, J.**